

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Family Law-II  
Semester-VI (Batch: 2016-21)

End Semester Examination: April-May 2019

Date: 30<sup>th</sup> April, 2019

Duration: 3 hours

Max. Marks: 50

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- Bare Act is not allowed.

**Part-A**

Attempt any two of the following:

**Marks**  
(2x6=  
12)

- Q.1 What are the disqualifications for inheritance in Islamic law? Differentiate between *Sunni* and *Shia* schools in this regard.
- Q.2 What are the essentials and nature of *Marr-Ul-Maut*?
- Q.3 Shia and Sunni schools of Islamic law are having different aspects and requisites for will. In view of this observation, differentiate between *Sunni* and *Shia* schools of Islamic law.

**Part-B**

Answer all questions

- Q.4 Kishanlal, the *Karta* of Hindu undivided family (governed by *Mitakshara* school of Hindu law), had two sisters, one daughter, and wife in his undivided family. Kishanlal, the owner of a self-acquired immovable property called "Royal Lodge" used to derive monthly rent income of ₹ 50,000 from the said property in addition to deriving income from other different self-acquired immovable properties. In 1965, Kishanlal, made a declaration of blending the said property (Royal Lodge) into the common stock of Hindu undivided family and, therefore, contended before the Income Tax Officer that (1) post blending of self-acquired property into the common stock, the status of blended property should be considered as Hindu undivided family property and (2) the rent income derived from the said property should be assessed under the head of Hindu undivided family. However, the Income Tax Officer rejected the contention and held that (1) In appreciation of evidence on record, the nucleus of undivided family property is absent and therefore, there was nothing with which Kishanlal could blend his self-acquired property. (2) There could not be a Hindu undivided family without there being any undivided family property. Aggrieved by the said order of Income Tax Officer, Kishanlal intended to prefer an appeal in appropriate forum. In view of the given fact and circumstances, prepare a case brief advising Kishanlal in accordance with the principles and essentials of *Mitakshara* Hindu undivided family with specific reference of the capacity of Hindu male and female to blend their self-acquired property into the
- (10)



common stock of *Mitakshara* Hindu undivided family.

- Q.5 FR in his family had wife (FRW); mother (FRM); son (FS1); a predeceased son (FS2) survived by widow (FS2W), son (FS2S), and daughter (FS2D). Son (FS1) converted to Christianity in 1996 and subsequently married with Rubika (a Christian) in 1997; however, his cordial relationship with other family members continued even after his conversion to Christianity including the sharing of common residence. FS1 and Rubika were blessed with a son, Joseph in 1998. Son (FS1) and FR met with an accident while travelling together and were declared dead by the doctors of GHS hospital and in lack of any evidence and witness, the doctors of GHS hospital declared the time of death of FR and FS1 as 15<sup>th</sup> December 2005 between 1000-1100 hrs (approximate). After the death of FS1 and FR, the self-acquired property of FR worth ₹ 15 lakh was distributed among his eligible legal heirs in accordance with the principles of the Hindu Succession Act, 1956, however, FS1 had no property of his own. Under the tremor of the death of her husband and son, FRW also died in year 2006 and left behind her self-acquired property worth ₹ 5 lakh, share received from FR in inheritance and an amount of ₹ 2 lakh received in inheritance after the death of her mother (FRWM). In view of the given facts and circumstances distribute the total property of FRW in accordance with the principles of the Hindu Succession Act, 1956. (10)
- Q.6 What is the procedure and requisites for registration of *Waqf* with State Waqf Board? What are the consequences and penalties for non-registration of *Waqf*? (10)
- Q.7 What is the scope and extent of 'preferential right of heirs' under Section-22 of the Hindu Succession Act, 1956? How is the right created under the provisions of the Hindu Succession Act, 1956 different with *Shufa* in *Sunni* and *Shia* schools of Islamic law? (08)

### Schedule of the Hindu Succession Act, 1956

#### Class I

Son  
 Daughter  
 Widow  
 Mother  
 Son of a predeceased son  
 Daughter of predeceased son  
 Widow of predeceased son  
 Son of predeceased daughter  
 Daughter of predeceased daughter  
 Son of predeceased son of predeceased son  
 Daughter of predeceased son of predeceased son  
 Widow of predeceased son of a predeceased son  
 Son of a pre-deceased daughter of a pre-deceased daughter  
 Daughter of a pre-deceased daughter of a pre-deceased daughter  
 Daughter of a pre-deceased son of a pre-deceased daughter  
 Daughter of a pre-deceased daughter of a pre-deceased son

#### Class II

- I. Father
- II. (1) Son's daughter's son, (2) son's daughter's daughter, (3) brother, (4) sister



- III. (1) Daughter's son's son, (2) daughter's son's daughter, (3) daughter's daughter's son, (4) daughter's daughter's daughter.
- IV. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.
- V. Father's father; father's mother.
- VI. Father's widow; brother's widow.
- VII. Father's brother; father's sister.
- VIII. Mother's father; mother's mother.
- IX. Mother's brother; mother's sister.

\*\*\*\*